

# EXHIBIT 2

**Ong, Julia**

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**From:** Prussia, Kevin S  
**Sent:** Tuesday, October 27, 2015 5:23 PM  
**To:** Ong, Julia; Aylesworth, Samuel  
**Cc:** MSegal@aclum.org  
**Subject:** RE: Soto v. Cambridge - Supplemental Brief Schedule

Sam,

Further to Julia's email below, we disagree. As you note, we explicitly stated that the brief filed on October 9<sup>th</sup> was not directed to whether "*future action* by the City against Ms. Soto entitles her to declaratory and injunctive relief." In any event, to the extent the City had any response to that filing, it could have—and should have—filed one long ago and certainly no later than October 23, which would have been 14 days following our October 9<sup>th</sup> filing. See Local Rule 7.1. Your proposal below, that the City wait until November 30 to file a response, i.e., ***over 50 days*** after our October 9 filing, is unacceptable.

Further, we do not understand what the City could possibly say at this point given that the City has never raised any Article III issue heretofore and given that the City admits that it has interpreted (and will continue to interpret) the statute to prohibit the act of placing noncommercial fliers on parked motor vehicles. In fact, the City filed a paper with the Court stating as much just a few months ago, i.e., ***after the Ordinance was amended***. See Dkt. 81 (City's Amended Opposition to Soto's Motion for Summary Judgement) at 1 ("***Pursuant to . . . M.G.L. c. 266, § 126 (the 'Statute')*** and City of Cambridge Ordinance Chapter 9.04 (the 'Ordinance'), the act of placing fliers on parked motor vehicles is a prohibited activity.") (emphasis added); *id.* at 9 ("Here, ***the enforcement of . . . the Statute*** as applied to Soto and others represents a 'means of achieving the government's interest' that would be achieved less effectively absent this policy of enforcement.") (emphasis added). Presumably the City had a Rule 11 basis for making those statements.

In any event, if the City feels inclined to provide a response, we propose that the City file one within 7 days of yesterday's filing (*i.e.*, Monday, November 2). We will file any response we have within the following 7 days (*i.e.*, November 9). We cannot agree to any further delays.

Finally, to be clear, we object to you filing any "Status Report" today. The court never authorized that.

Kind regards,  
Kevin

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**From:** Ong, Julia  
**Sent:** Tuesday, October 27, 2015 4:49 PM  
**To:** Aylesworth, Samuel  
**Cc:** Prussia, Kevin S  
**Subject:** RE: Soto v. Cambridge - Supplemental Brief Schedule

Sam,

We will get back to you. In the meantime, we object you filing any "Status Report."

Regards,  
Julia

**Julia Ong | WilmerHale**

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**From:** Aylesworth, Samuel [<mailto:saylesworth@cambridgema.gov>]

**Sent:** Tuesday, October 27, 2015 11:20 AM

**To:** Ong, Julia; Prussia, Kevin S

**Subject:** Soto v. Cambridge - Supplemental Brief Schedule

Julie,

As you know the September 21, 2015 Scheduling Order requires the parties to notify the Court as to whether the parties are filing supplemental briefs on the case and controversy issue and a proposed briefing schedule. Obviously you've already filed a brief but you also seem to reserve further briefing in footnote 1 on page 2 of your October 9 brief. Are you going to file a supplemental brief in addition to the one you've filed already? I will be filing a status report with the Court advising it that the City will be filing a brief in response by November 30 but I would like to advise the Court on whether you'll in fact be submitting a supplemental brief or not and by what date.

Please advise.

Thanks,  
Sam

Samuel A. Aylesworth  
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